

Introduction

This is a book about institutions in the Administrative Justice System (AJS), their users and pathways to justice. The AJS is made up of institutions that help individuals when the government acts in ways that are unfair or unjust (Adler 2003; Mullen 2010, 2016; Tomlinson 2017b; Kirkham 2016). The institutions that form the AJS are complaint schemes, ombuds¹, tribunals and the Administrative Court. They influence our lives in areas of housing, health care, education, social security, taxation, for example.

The Administrative Justice and Tribunals Council established a framework for understanding the intricate connections between the decision-making process that underpins the relationship between the state and its citizens, as well as the methods utilised to resolve disputes, such as internal or external complaints and reviews, and the involvement of independent complaint handlers like ombuds and tribunals (House of Commons 2023). As our book will show in later chapters, these associations are not actual connections between the institutions. Rather, the institutions are disconnected and typically operate in silos, which contributes to an over-complication of the AJS for those who work in these institutions as well as for people who seek access to these institutions.

This book is based on a Nuffield-funded research project² and is about people who administer institutions of the AJS, about people who use institutions of the AJS, and about those who do not access institutions of the AJS. We explore these different positions in the AJS through two distinct pathways to seek redress: housing and special educational needs and disabilities (SEND). We focus on these areas because they have been especially affected by two major changes to the justice system: digitalisation (Tomlinson 2017a; Ryder 2019) and the COVID-19 pandemic (Creutzfeldt and Sechi 2021). The pathways through the justice system

that we look at include advice services, non-governmental organisations (NGOs), ombuds and tribunals. The emphasis on these institutions allows us to better understand the effects of the pandemic; how such institutions managed to provide their services remotely; and how people accessed these services.

This book extends existing research by examining the effect of rapid digitalisation on the delivery of justice. Lessons learned from delivering remote justice during the pandemic need to be evaluated and translated into practice. This includes documenting what works well and what can be changed to improve access for those further side-lined because of the pandemic. COVID-19 has forced the justice system, where possible, to go digital at a rapid pace. By empirically understanding areas that work well and those that need improvement, there is a huge opportunity to draw positive lessons from this crisis.

There have been some excellent projects that have sought to understand the impact of the pandemic on individual justice settings in recent years: for example, the family court (Ryan et al 2020), judicial review (Tomlinson et al 2020), video-hearings (JUSTICE 2020), digital exclusion (Good Things Foundation 2020), the advice sector (Sechi 2020; Creutzfeldt, Sechi 2021) and the civil justice system (Legal Education Foundation 2019). Building on this, we explore the effects of rapid digitalisation and the pandemic on the advice and redress system as well as its users; on access for marginalised groups; and on how trust can be built and sustained in specific parts of the AJS affected by the pandemic and digitalisation. The following questions guided our research:

1. How is a siloed landscape of tribunals, ombuds, advice and NGOs able to provide access to justice, enacting values of respect, equality, and accountability?
2. What lessons about digitalisation and pathways to justice can be learned?
3. How can trust in justice more broadly – the belief that the justice system is fair, effective, and open to all – be maintained?

Administrative justice is about ensuring correct decisions and fair process, but it is also about enacting values of respect, equality, and deservingness – so that public bodies can be held to account. This book provides a detailed understanding of existing pathways to access the AJS in the two areas of law, and the reality of access. It explores the barriers that marginalised groups face to access justice and people’s trust in online justice post-pandemic. We do this by bringing together, and contributing to, theories from different academic disciplines. We seek to advance scholarship around administrative justice (law), procedural justice (social psychology), access to justice (law and sociology), and legal consciousness (law, sociology, anthropology) through a rich theoretical (part 2) and empirical inquiry (part 3). Our theoretically informed mixed methodologies provided us with qualitative and quantitative datasets to draw upon to make sense of people’s encounters with the AJS, as well as understand better why some did not reach it.

There is a lot to say about the developments in the AJS, especially in light of the court reform agenda and the COVID-19 pandemic. This book offers a start to discover how professionals have managed to deliver their services and how people have managed to access these services. To set the scene, in the following we will outline the two pathways we are focussing on in this book, the bodies that make up these pathways, and the context of the court reform. Then, we discuss our methodology and the outline of the book to show how all the parts fit together.

Two dispute resolution pathways and potential partnerships

We choose to look at two distinct dispute resolution pathways through the justice system; those for people with housing problems (Chapter 4) and those for people with SEND problems (Chapter 5). Within these pathways we are interested in people’s journeys to seek advice, go to an ombuds (Housing Ombudsman, Local Government and Social Care Ombudsman

(LGSCO), Parliamentary and Health Service Ombudsman (PHSO), a tribunal (Property Chamber and SEND Tribunal), or to do nothing. The areas of housing and SEND have seen a rise in cases, especially during the pandemic. This, coupled with the impact of remote delivery of advice provision during the pandemic, has made access to justice even more of a challenge. It is crucial therefore to explore how the institutions providing advice and redress can work better together to increase access to justice for their users. Our data provide a unique opportunity to identify best practice as well as problems in order to help build a better, more joined-up, system.

Initially, the project was driven by the prospect of supporting ombuds and tribunals – institutions that typically do not interact with each other - in creating a partnership (pre-pandemic) to enable signposting between each other (Creutzfeldt et al 2023; Kirkham and Creutzfeldt 2019); we revisit the idea in the conclusion. During the pandemic, the Housing Ombudsman and the Property Chamber started an informal referral system (after an Administrative Justice Council event introducing the idea in 2020) and both the SEND Tribunal and LGSCO are very keen to set up a Memorandum of Understanding and start a partnership (Creutzfeldt 2022). This would be a step towards joining up the AJS and making it easier to navigate for the help-seeker. The Parliamentary and Health Service Ombudsman (PHSO) is interested in exploring a partnership model too. Therefore, we have also included the PHSO in parts of our project. We hope that this book will provide some of the necessary information and evidence to support such partnership arrangements in the future.

Next, we briefly outline what ombuds and tribunals are, as well as the importance of the advice sector, before discussing the court modernisation agenda.

The Public Ombuds

Ombuds are institutions that provide alternative dispute resolution (ADR). The Ombuds model was introduced in Sweden (1809) as an institution to resolve citizens' complaints against the

state. The ombuds model exists in most countries around the world (Seneviratne 2002; Buck et al 2016; Creutzfeldt 2022; Groves & Stuhmcke 2022). Ombuds also exist in the private sector, where they resolve disputes between consumers and businesses (Creutzfeldt 2018). Generally, ombuds have been set up to restore public confidence in administration (Creutzfeldt 2018). The ombuds model, due to its tremendous potential to process a high proportion of unmet legal needs for certain types of problems, draws its strength from its variety of contextual and conceptual adaptations (Carl 2012). Ombuds are free of charge for the citizen to use.

Tribunals

We discuss the SEND Tribunal and Property Chamber and their procedures in Part 2. During the 2000s, tribunals turned from being quasi-judicial alternatives to become a specialist court through the Tribunals, Courts and Enforcement Act 2007 (Stebbing 2006; Drewry 2009; Carnwath 2011). Since then, there has been a strong growth in tribunals which has resulted in lengthy procedures that are time-consuming and costly, mainly due to austerity measures not being able to match the growth of the institutions (Drewry 2009; Adler 2012). Tribunals operate independently of the government, and there are debates about tribunals being more accessible for those who cannot afford legal representation (Genn 1993; Leader 2017; Thomas 2016; McKeever et al 2018).

Advice services

Throughout the project, as will feature in the help-seeker journeys in Part 2, our data has demonstrated the importance of advice (Kirwan 2016; Creutzfeldt and Sechi 2021; Koch and James 2022). The advice sector provides free advice and support for people with problems in general or specialist areas. In our study we encountered those services which support people with housing or SEND matters. These advice providers have different funding structures, different specialities and must respond and adapt to their local community's needs (Mayo 2015). Especially during the pandemic this brought to the surface the real difficulties with

technology, challenges of English not being a first language, and many other obstacles. Our interviews told a story of the advice sector being under-funded, under-staffed and constantly firefighting.

In sum, when we speak about a pathway for the help-seeker with a SEND or housing problem, we think of this process as starting with seeking advice (from trusted people and advice providers, for example), then accessing the formal processes of an ombuds or tribunal. These pathways are often complicated to enter and to navigate. The convergence of the court modernisation programme and the unprecedented challenges posed by the COVID-19 pandemic has inadvertently created significant barriers within the pathways available to certain groups of help-seekers.

The court modernisation (digitalisation) programme

The pandemic has radically altered the landscape for processing any kinds of administrative needs and disputing processes. Independent of the pandemic, there is great interest in the digitisation of justice and use of various online forms of redress and dispute resolution. The court modernisation programme was introduced in 2016 in the UK (HM Courts & Tribunals Service 2018). Its basic premise was to provide new, user-friendly digital services and to improve efficiency of the justice process.

In 2016, Lord Briggs conducted a review of the courts in England and Wales with the aim of modernising the system and making it more efficient. The review, commissioned by the Ministry of Justice, was undertaken in a response to concerns about the cost and complexity of the court system and the slow pace of justice. One of Lord Briggs' conclusions about the modernisation agenda was:

The success of the Online Court will also be critically dependent upon digital assistance for all those challenged by the use of computers, and upon continuing improvement in public legal education.

The original vision for reform – to modernise and upgrade our justice system so that it works even better for everyone – remains true. But we must recognise that the world has changed since 2016 – and rapidly so – because of the Covid-19 pandemic that started in 2020 (HM Courts & Tribunals Service 2018; Sorabji 2021).

The pandemic happened at a time when the digitalisation agenda was being carefully tested in those parts of the justice system in which judges allowed it to happen. The pilots were rolled out in stages (starting with Social Security Tribunals and followed by Tax Tribunals and Immigration Tribunals). A report by the Public Law Project (PLP) (2018), commissioned by the UK Administrative Justice Institute and the Nuffield Foundation, outlined the aims of the modernisation agenda and quoted the Senior President of Tribunals who said that that, unlike previous reforms, future reforms can no longer be predicated on the views of a single judge formed on the basis of anecdote or impression: ‘reform must be based on proper research; robust and tested’. Some of the concerns about moving procedures online are that the best and established method of collecting evidence is in an oral hearing in a courtroom.

The report provides three reasons (PLP 2018: 22):

1. other means of providing oral evidence may risk unfairness for appellants or reduce the ability of other parties to test such evidence.
2. the judicial task of collecting and evaluating facts and the credibility of the witness will depend not just on the appellants oral evidence, but also on non-verbal forms of communication, e.g., how the evidence has been presented.

3. giving live evidence at a hearing is subject to a degree of formality and supervision by the Tribunal. The procedure can be controlled to ensure that there is no misuse of the judicial process, aspects that will either be absent or reduced when video link is used.

These valid (pre-pandemic) fears had to be overcome, or reconsidered, when the justice system went online at a faster pace than planned when the pandemic started in 2020. We will come back to these stated fears and show how tribunals have dealt with these issues in Chapter 7. There is, however, an ongoing challenge which is to think about the ‘traditional oral hearing’ and what might be lost in video-hearings (Hynes et al 2020: 7). Mulcahy states that there is ‘no parallel call’ for technology to replace physical presence at ‘parliaments, weddings, christenings, bar mitzvahs or funerals’ (2011: 178). Rowden (2018) argues that it is important to avoid nostalgia and idealism regarding the superior nature of hearings taking place with all participants physically present in open court. There are valid arguments and examples that show the benefits of online hearings (Hynes et al 2020), as well as valid arguments and examples that show the pitfalls of an online hearing (Open Justice 2022; Sourdin et al 2020). The following chapters will develop these in more detail, based on our empirical findings.

Our main themes in this book are access to (online) justice and vulnerability. These themes need to be understood in the context of the modernisation agenda, which made promises in relation to all of them when it was being rolled out. In a speech in 2016 (Ryder 2016), the Senior President of Tribunals argued for the benefits an online dispute resolution system can have, and how it needs to be carefully and responsibly developed. He mentioned the importance of accessibility:

Tribunals form an integral part of our country’s justice system. They are and will continue to be an essential component of the rule of law; and must remain as accessible as possible. Accessibility is, however, not an unchanging construct. As society

Access to justice, digitalisation, and vulnerability: exploring trust in justice.

modernises, so must the institutions that serve it if they are not to degrade or fall into disuse.

He goes on to mention access to justice:

We should not forget that access to justice is an indivisible right: it is one that applies as much to defendants as it does to claimants. It is as important to ensure that meritorious claims are brought, and rights are vindicated, as to ensure that unmeritorious claims are resolved quickly and correctly so as to ensure the least interference with or disruption to the substantive rights of defendants. [...] Citizens, whether litigants or not, are not supplicants coming to the high hand of judgement. They are rights bearers. And our justice system should be capable of ensuring that as such they are able to access those rights in an appropriate setting. Justice, and access to it, should lie at the heart of the community.

In relation to vulnerable users the modernisation programme promised:

... a justice system where many sizes fit all; not one size for all. A much simpler system of justice, with the judiciary at its heart, citizens empowered to access it, using innovation and digital tools to resolve these cases quickly, authoritatively, and efficiently.

This ambition remains a work in progress and, as we will show in this book, access to the online justice system during the pandemic showed the flaws in the system. The COVID-19 pandemic was an important moment for justice systems. The data underpinning this book will speak to the future of the system by highlighting people's lived experiences and expectations of an online system. It shows the divide in perceptions and experiences of professionals and

users when dealing with online hearings and raises pressing issues of vulnerability, marginalisation, and non-access.

Methodology

The project provides a novel and urgent empirical understanding of the ways in which people are accessing the system (and where they are not). We applied a mixed-methods approach to empirically understand access to, and trust in, administrative justice during the pandemic, to then draw lessons for a more efficient and fair justice system moving out of the pandemic. Our research methods were qualitative and quantitative, to best explore the population we were looking at. We accomplished this through vignette experiments with members of the general population (public panel) and interviews with those who administer the process (advice sector, ombuds, tribunal judges and case workers), those who use ombuds and tribunals, but we also interviewed marginalised groups who do not use the system. Table 0.1 provides an overview of the data collected. We obtained ethics clearance to conduct our planned research from the University of Westminster’s ethics panel (ETH2223-0051).

Table 0.1. *Overview of data collected.*

Data collected	Professionals n=40	Users (non-users) n=18	Members of the public n=480	Total N= 538
Interviews	Judges (9) Ombuds (5) Advice providers (13) Other stakeholders (6) Institution staff (7)	SEND (6) Housing (12)	N/A	58
Experiments	N/A	N/A	480	480

Interviews

Overall, we conducted 58 in-depth semi-structured interviews (i.e. the total of professional and user interviews; see Table 0.1). We conducted 40 in-depth interviews with professionals: 9 judges; 5 Ombuds; 13 advice providers; 7 staff members at the institutions and 6 other stakeholders. Interview questions began by asking participants about their role and what their work entails. Participants were then asked about the most common issues they deal with in relation to housing/SEND. Next, questions revolved around the pandemic, getting participants to reflect on their experiences with people accessing their service during the pandemic and on any changes there have been to services because of COVID-19. Questions focused on methods of communication, benefits/downfalls of remote hearings, changes in user demographics, and reflections on what worked well/not so well in delivering remote justice during the pandemic and what could be changed to improve access for those further side-lined because of the pandemic. Finally, participants were asked whether institutions in the areas of housing and SEND have collaborated in any way to increase/improve access to justice for its users, and to reflect on whether a tribunals–ombuds partnership would be feasible.

We conducted 18 in-depth user interviews: 6 SEND users; and 12 housing users, including 7 homeless people through The Connect (a charity supporting the homeless). Interview questions revolved around the eight steps we identified that users go through when seeking help (see Chapter 3). Interviewees were asked to share their stories, including questions around whether they had experienced any housing/SEND issues during the pandemic, at what point they became aware that there was a problem, and how they went about addressing that problem. Next interviewees were asked a series of questions on taking action, including whether they had tried to get support for their issues, how they looked for services, and whether they experienced any difficulties knowing how and where to look for help. Participants were also asked about the advice sector and any support or guidance they had received before being

asked to reflect on their experience of any intermediate processes involving their landlord/housing association in the case of housing or any organisation involved (e.g. local authority, school, or governing body) in the case of SEND. Those participants that had contacted a tribunal or ombuds were asked an additional set of questions revolving around how they went about accessing the justice system, which institution they approached, and how much time they spent trying to sort out their problem before approaching the institution, as well as any expectations they had. Next, they were asked to reflect on their experience of engaging with the institution, including what worked well, what barriers they faced, and the extent to which they trusted the process. Finally, participants were asked what they thought could be done during and after the pandemic to improve users' capacity to obtain advice, support, and redress.

Interviews were recorded and transcribed (with participants' permission) and were supplemented where relevant and practicable by our survey data.³ We listened to the audio recordings and reflected on the survey responses as a team. We then iteratively winnowed the data and descriptions to focus down on the most meaningful, relevant and revealing instances, stories and reports. The data that we decided best to represent the final set of themes were chosen collectively and are presented in the relevant chapters of the book.

Public panel survey and vignettes to examine trust in justice

We also conducted an online experimental study (see Chapter 6). The sample comprised 480 participants, who were roughly representative of the UK adult population. We used a text-based vignette describing a person going through a tribunal/ombuds process. We manipulated: (1) the fairness of the process (fair/unfair); (2) the location of the process (online/offline); and (3) the authority figure (judge/ombuds). We explored whether exposure to different tribunal/ombuds processes was accompanied by a concomitant loss of trust and legitimacy in

the administrative justice system, as well as damaging perceptions of process transparency and outcome fairness. Although the vignettes presented a hypothetical scenario, previous research has shown that varying behaviour through text-based vignettes can successfully shift participants' judgements of, for example, police legitimacy (e.g. Silver 2020).

Recruitment of participants

The study was hosted on Qualtrics. Residents of England and Wales were recruited via the online crowdsourcing platform Prolific. In line with the Prolific recruitment protocols, participants received compensation for their time. We followed Chandler and Paolacci's (2017) advice on how to minimise participant fraud on Prolific: we set constraints so that participants could only take the survey once and included attention checks throughout the surveys. Participants were excluded if they got more than one attention check wrong.

Procedure and materials

Participants were presented with a short vignette about a person going through a tribunal/ombuds process. The study employed a 2x2x2 (fairness of process: fair/unfair x location of process: online/offline x authority figure: judge x ombuds) between-subjects design.

Participants were randomly allocated to one of eight conditions. They were presented with a vignette of the following:

1. a fair online tribunal process
2. an unfair online tribunal process
3. a fair offline tribunal process
4. an unfair offline tribunal process
5. a fair online ombuds process
6. an unfair online ombuds process

7. a fair offline ombuds process
8. an unfair offline ombuds process

At the threshold, we should make clear that ombuds have always had primarily online processes (with the option for telephone interaction) so the ‘offline’ Ombuds process depicted in vignettes 7 and 8 is hypothetical. In this experiment we had to create a comparison between online and offline scenarios to make reliable claims about online interactions – basically, we needed a comparison. After reading the vignette, participants were asked a series of questions tapping into the quality of the process/outcome and the justice system more generally. Finally, they were provided with a full debrief.

Outline of the book

PART ONE: Situating access to justice consists of two theoretical chapters that frame the book. In Chapter 1 *Legal needs and access to justice* we develop the argument for a holistic vision of access to justice (Creutzfeldt et al 2021). We expand Wrbka’s (2014) definition of ‘the concept of access to justice that embodies the ideal that everybody, regardless of his or her capabilities, should have the chance to enjoy the protection and enforcement of his or her rights by the use of law and the legal system’ and argue that we need a broader definition. To date, access to justice is refined to a narrow ‘legal justice’ focus, involving access to legal assistance in the form of legal advice and access to resolution in the form of legal institutions. A more generous vision for access to justice is needed to include initial advice and help from non-legal support, social and community actors (e.g. friends, family, advice sector, local council, specialist organisations (NGOs), schools, the internet) to be part of the delivery of access to justice. As part of this vision, we discuss the legal needs literature and propose a more generous approach to access to justice, reaching beyond legal confines. After that, we distinguish access to offline justice from access to online justice.⁴ Then, we set out theoretical frameworks

through which to understand (and measure) access to justice in our dataset; namely, legal consciousness and procedural justice.

Through the lens of procedural justice theory, Chapter 2 *Trust in administrative justice* captures people's experiences of, and sensibilities towards, moving parts of the AJS online. Prior research has found that procedural justice and the trust and legitimacy it engenders helps to strengthen people's willingness to cooperate with the police, courts, and other justice institutions, and to comply with their directives and the law in general. Yet, little is known about whether and how this process 'works' in an administrative justice context within which interactions are increasingly occurring primarily, or solely, online. This chapter will also explore the role of emotions in the encounters with the administrative justice system, marked by strong asymmetric dependence and power. This chapter provides the theoretical foundation for the analysis and experimental vignettes in Chapter 6.

PART TWO: Official pathways to justice/help is made up of three chapters.

In Chapter 3 *Two areas of law in context and the help-seeker journey* we provide the context for the pathways to SEND and pathways to housing. The help-seeker journey follows the person with a problem and legal need through different stages of seeking help, finding advice, and reaching an ombuds or tribunal to resolve their problem. For housing we look at the advice sector, the Property Chamber, and the Housing Ombudsman; and for SEND we look at the advice sector, the SEND Tribunal, the LGSCO and the PHSO. The emphasis on these institutions allows us to understand in some depth the effects of the pandemic, how such institutions managed to provide their services remotely, and what lessons can be learned for the AJS and the justice system more generally.

Chapter 4 *Pathways through the AJS – housing* explores the pathways to redress available to people through mapping the ideal case help-seeker journeys for people with issues around housing to understand how access points have been compromised and which pathways

to justice are difficult to negotiate or even blocked. The Housing Ombudsman and the Property Chamber provide redress for housing problems. In this chapter we will draw on interviews conducted with advice sector professionals, judges, case handlers and users to trace the help-seeker journey.

Chapter 5 *Pathways through the AJS – SEND* follows a similar structure to chapter 4; it explores the ideal case help-seeker journeys for people with issues around SEND to understand how access has been compromised and which pathways to justice are difficult to negotiate or blocked. The LGSCO, the PHSO and the SEND Tribunal provide redress for SEND problems. Here too, we will draw on interviews conducted with advice sector professionals, judges, case handlers and users to present how the help-seeker journey unfolds.

PART THREE: Exploring help-seekers journeys is made up of three chapters. We briefly introduce and bring together the themes from our empirical data discussed in this part. Our aim is to situate digital journeys by discussing the challenges and opportunities of technology in access to justice and providing support and guidance for digital and legal needs. Three overarching themes emerged from our empirical data that are relevant to examining procedural justice, trust in justice and access to digital justice in both housing and SEND contexts.

1. *Advancements in technology and access to justice.* Advancements in technology have opened new opportunities for accessing justice, particularly for those who were previously excluded. However, there are still barriers to access to justice, such as lack of digital literacy and limited access to technology. To overcome these barriers, we need to ensure that technology is accessible and user-friendly for all, regardless of their digital capabilities.
2. *Face-to-face hearings and trust in the legal system.* Face-to-face hearings can increase trust in the legal system. However, in the digital age, we are increasingly moving towards online hearings. It is essential to ensure that online hearings are designed to

promote trust and legitimacy in the legal system, for example, by ensuring that they are transparent and that users have access to information about the process.

3. *Ensuring inclusive justice.* Inclusive justice requires us to consider the needs of vulnerable populations and ensure that legal processes do not disproportionately impact them. Marginalised groups often experience unmet legal needs and negative perceptions of legal services. It is important to provide tailored support to address their specific needs and to ensure that they have access to justice.

In Chapter 6, *Examining trust in justice*, we draw on data and findings produced by our online experimental study. We consider the idea that experiencing procedural justice during tribunals and ombuds hearings is important not only in shaping legitimacy, but also in shaping perceptions of outcome fairness, satisfaction, and willingness to engage with the system in the future. We also assess whether the findings are different for online and offline proceedings.

Chapter 7 *Access to digital justice* asks the central question: how accessible is online justice? This chapter explores how those who administer justice, those who provide advice and those who use the online justice system experience it. In doing so, we explore how the use of technology in the justice system is shaped by, and may reshape, people's orientations and sensibilities towards law and technology. We use our data, in this chapter, to explore how consciousness of how people think and feel about the law relates to their capability of acting upon it.

Chapter 8 *Marginalised groups and unmet legal needs* explores how the pandemic has affected access to advice and redress for marginalised groups. Already marginalised communities are likely to be affected the most by the pandemic. Yet, we know relatively little about how members of these groups are accessing the justice system and what can be done during and after the pandemic to improve their capacity to obtain advice, support and redress. In addressing these questions, the book builds upon, and seeks to extend, existing work about

marginalised groups that are alienated by the justice system and whose relationships to authority are characterised by a context of structural disempowerment. In sum, the digital age has brought both opportunities and challenges to the access to justice landscape. While advancements in technology have made justice more accessible to some, it has also created barriers for others, especially those who are digitally and legally excluded. Our empirical data shows that there is a need for inclusive justice that addresses the unmet legal needs of marginalised groups, provides support and guidance for legal needs and promotes knowledge and awareness of tribunals and ombuds. Additionally, procedural justice plays a crucial role in establishing legitimacy in the digital age, and communication that considers both the form and content can have a significant impact on the emotional experiences of service users. It is essential to consider the unique vulnerabilities and capabilities of different groups and aim towards creating a justice system that serves everyone, including the digitally and legally abandoned.

Chapter 9 *Conclusion: Digital journeys* brings together the empirical findings of the project and critically assesses what we have learned from doing research with marginalised groups and how we might rethink the approaches to understanding access to justice. We offer a more nuanced understanding of people's digital journeys through bringing procedural justice to the concept of digital legal consciousness as well as three dimensions that came out of our data: digital, affective, and compound. This wider perspective can help identify barriers to access and inform strategies to improve access to justice. Ultimately, a more fine-grained understanding of digital legal consciousness will require ongoing research and collaboration between legal practitioners, policymakers, and technology experts.

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¹ We use *Ombuds* to keep the term short and gender-neutral.

² Project website: 'Delivering administrative justice after the pandemic', Nuffield Foundation. <https://www.nuffieldfoundation.org/project/delivering-administrative-justice-after-the-pandemic>

³ We designed and distributed 11 surveys from June 2022 to November 2022: 4 user surveys (Housing Ombudsman, LGSCO, Property Chamber and SEND Tribunal); 4 case-handler

surveys (Housing Ombudsman, PHSO, Property Chamber and SEND Tribunal); 2 judicial and non-judicial panel members surveys (judges, SEND Tribunal, and judicial and non-judicial members of the Property Chamber); and 1 for the advice sector. However, despite our efforts to mitigate the low response rate, the final dataset had significant levels of missing data rendering it unsuitable for our planned analyses. We were only able to produce descriptive statistics of the user sample available (N=40) and to run limited analyses using the more robust PHSO case-handler sample. Therefore, we could only use some of our open-ended survey responses to supplement our rich dataset.

⁴ To explore the interaction with the digital justice space, theories of legal consciousness are brought to digital justice (more in Part 3).